



General Assembly

Substitute Bill No. 7142

January Session, 2007

* _____HB07142GL_____030607_____*

AN ACT CONCERNING FARM WINERIES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 30-16 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective from passage*):

3 (a) A manufacturer permit shall allow the manufacture of alcoholic
4 liquor and the storage, bottling and wholesale distribution and sale of
5 alcoholic liquor manufactured or bottled to permittees in this state and
6 without the state as may be permitted by law; but no such permit shall
7 be granted unless the place or the plan of the place of manufacture has
8 received the approval of the Department of Consumer Protection. A
9 holder of a manufacturer permit may apply for and shall receive an
10 out-of-state shipper's permit for manufacturing plants and warehouse
11 locations outside the state owned by such manufacturer or a
12 subsidiary corporation thereof, at least eighty-five per cent of the
13 voting stock of which is owned by such manufacturer, to bring into
14 any of its plants or warehouses in the state alcoholic liquors for
15 reprocessing, repackaging, reshipment or sale either (1) within the
16 state to wholesaler permittees not owned or controlled by such
17 manufacturer, or (2) outside the state. A holder of a manufacturer
18 permit, except a manufacturer permit for cider, may apply for and
19 shall receive a wholesaler permit. The annual fee for a manufacturer
20 permit shall be one thousand six hundred dollars.

21 (b) A manufacturer permit for beer shall be in all respects the same
22 as a manufacturer permit, except that the scope of operations of the
23 holder shall be limited to beer, but shall permit the storage of beer in
24 any part of the state. Such permit shall also authorize the offering and
25 tasting, on the premises of the permittee, of free samples of beer
26 brewed on such premises and the selling at retail from the premises of
27 sealed bottles or other sealed containers of such beer for consumption
28 off the premises. The offering and tasting shall be limited to visitors
29 who have attended a tour of the premises of the permittee. Such selling
30 at retail from the premises of sealed bottles or other sealed containers
31 shall comply with the provisions of subsection (d) of section 30-91 and
32 shall permit not more than eight liters of beer to be sold to any person
33 on any day on which such sale is authorized under the provisions of
34 subsection (d) of section 30-91. The annual fee for a manufacturer
35 permit for beer shall be eight hundred dollars.

36 (c) A manufacturer permit for cider not exceeding six per cent
37 alcohol by volume and apple wine not exceeding fifteen per cent
38 alcohol by volume shall allow the manufacture, storage, bottling and
39 wholesale distribution and sale at retail of such cider and apple wine
40 to permittees and nonpermittees in this state as may be permitted by
41 law; but no such permit shall be issued unless the place or the plan of
42 the place of manufacture has received the approval of the department.
43 The annual fee for a manufacturer permit for cider shall be one
44 hundred sixty dollars.

45 (d) A manufacturer permit for apple brandy and eau-de-vie shall be
46 in all respects the same as a manufacturer permit, except that the scope
47 of operations of the holder shall be limited to apple brandy or eau-de-
48 vie, or both. The annual fee for a manufacturer permit for apple
49 brandy and eau-de-vie shall be three hundred twenty dollars.

50 (e) (1) A manufacturer permit for a farm winery shall be in all
51 respects the same as a manufacturer permit, except that the scope of
52 operations of the holder shall be limited to wine and brandies distilled
53 from grape products or other fruit products, including grappa and

54 eau-de-vie. As used in this section, "farm winery" means any place or
55 premises, located on a farm in the state in which wine is manufactured
56 and sold.

57 (2) Such permit shall authorize (A) the sale in bulk by the holder
58 thereof from the premises where the products are manufactured
59 pursuant to such permit; (B) as to a manufacturer who produces one
60 hundred thousand gallons of wine or less per year, the sale and
61 shipment by the holder thereof to a retailer of wine manufactured by
62 the farm winery permittee in the original sealed containers of not more
63 than fifteen gallons per container; (C) the sale and shipment by the
64 holder thereof of wine manufactured by the farm winery permittee to
65 persons outside the state; (D) the offering and tasting of free samples
66 of such wine or brandy to visitors and prospective retail customers for
67 consumption on the premises of the farm winery permittee; (E) the sale
68 at retail from the premises of sealed bottles or other sealed containers
69 of such wine or brandy for consumption off the premises; (F) the sale
70 at retail from the premises of wine or brandy by the glass and bottle to
71 visitors on the premises of the farm winery permittee for consumption
72 on the premises; and (G) subject to the provisions of subdivision (3) of
73 this subsection, the sale and delivery or shipment of wine
74 manufactured by the permittee directly to a consumer in this state.
75 Notwithstanding the provisions of subparagraphs (D), (E) and (F) of
76 this subdivision, a town may, by ordinance or zoning regulation,
77 prohibit any such offering, tasting or selling at retail at premises within
78 such town for which a manufacturer permit for a farm winery has been
79 issued.

80 (3) A permittee, when selling and shipping wine directly to a
81 consumer in this state, shall: (A) Ensure that the shipping labels on all
82 containers of wine shipped directly to a consumer in this state
83 conspicuously state the following: "CONTAINS ALCOHOL—
84 SIGNATURE OF A PERSON AGE 21 OR OLDER REQUIRED FOR
85 DELIVERY"; (B) obtain the signature of a person age twenty-one or
86 older at the address prior to delivery, after requiring the signer to
87 demonstrate that he or she is age twenty-one or older by providing a

88 valid motor vehicle operator's license or a valid identity card described
89 in section 1-1h; (C) not ship more than five gallons of wine in any
90 sixty-day period to any person in this state; (D) pay, to the Department
91 of Revenue Services, all sales taxes and alcoholic beverage taxes due
92 under chapters 219 and 220 on sales of wine to consumers in this state,
93 and file, with said department, all sales tax returns and alcoholic
94 beverage tax returns relating to such sales; (E) report to the
95 Department of Consumer Protection a separate and complete record of
96 all sales and shipments to consumers in the state, on a ledger sheet or
97 similar form which readily presents a chronological account of such
98 permittee's dealings with each such consumer; (F) not ship to any
99 address in the state where the sale of alcoholic liquor is prohibited by
100 local option pursuant to section 30-9; and (G) hold an in-state
101 transporter's permit pursuant to section 30-19f or make any such
102 shipment through the use of a person who holds such an in-state
103 transporter's permit.

104 (4) No licensed farm winery may sell any such wine or brandy not
105 manufactured by such winery, except a licensed farm winery may sell
106 from the premises wine manufactured by another farm winery located
107 in this state.

108 (5) The farm winery permittee shall produce on the premises of the
109 farm winery or on property adjacent to the farm winery and either (A)
110 under the same ownership and control of said permittee or (B) leased
111 by said permittee, within the state an average crop of fruit equal to not
112 less than twenty-five per cent of the fruit used in the manufacture of
113 the farm winery permittee's wine. For the purposes of this subdivision,
114 "adjacent to" includes property through which a public or private
115 right-of-way passes. An average crop shall be defined each year as the
116 average yield of the farm winery permittee's two largest annual crops
117 out of the preceding five years, except that during the first seven years
118 from the date of issuance of a farm winery permit, an average crop
119 shall be defined as three tons of grapes for each acre of vineyard
120 farmed by the farm winery permittee.

121 (6) A holder of a manufacturer permit for a farm winery, when
 122 advertising or offering wine for direct shipment to a consumer in this
 123 state via the Internet or any other on-line computer network, shall
 124 clearly and conspicuously state such liquor permit number in its
 125 advertising.

126 (7) The annual fee for a manufacturer permit for a farm winery shall
 127 be two hundred forty dollars.

128 (f) A manufacturer permit for a brew pub shall allow the
 129 manufacture, storage and bottling of beer, the retail sale of alcoholic
 130 liquor to be consumed on the premises with or without the sale of
 131 food, and the selling at retail from the premises of sealed bottles or
 132 other sealed containers of beer brewed on such premises for
 133 consumption off the premises, provided that the holder of a
 134 manufacturer permit for a brew pub produces at least five thousand
 135 gallons of beer on the premises annually. Such selling at retail from the
 136 premises of sealed bottles or other sealed containers shall comply with
 137 the provisions of subsection (d) of section 30-91 and shall permit not
 138 more than eight liters of beer to be sold to any person on any day on
 139 which such sale is authorized under the provisions of subsection (d) of
 140 section 30-91. The annual fee for a manufacturer permit for a brew pub
 141 shall be two hundred forty dollars.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>from passage</i>	30-16
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Statement of Legislative Commissioners:

Subdivision (5) of subsection (e) was rephrased for clarity.

GL *Joint Favorable Subst.*